

FRIDAY, February 3, 1854.

Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday read and adopted.

Mr. Guinn, from the committee on Engrossed Bills, reported the following bills correctly engrossed :

A bill to incorporate Milam Masonic Institute ;

A bill to reorganise Grayson, Cook and Denton county land districts ;

A bill to be entitled an act granting the ferries within the lim-

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A bill to reorganise Grayson, Cook and Denton county land districts;

A bill to be entitled an act granting the ferries within the limits of the city of Brownsville to said city;

A bill entitled an act to change the time of holding the fall term of the district court in Calhoun county;

A bill to amend an act to regulate the Cotton and Woollen Manu-

facturing of the Sabine River bot-

tom, and an act supplemental
to an act to create a
railway company, ap-

proved by the
Hon. J. Dobbins, asking for
leave to introduce a bill
relating to Private Land

and a Public Debt, made

under consideration
of the Senate, and
of the House, and
of the army and armies,

and of the consideration and
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audited for services
to the amount of \$1,-
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We find, also, in pe-

petitioner's account, a charge of \$1,000 00 for one-third of a league of land sold, the proceeds of which, he alleges, was used in supplying disbanded soldiers with food and raiment. If there was not other objections to the two last named accounts, they are not properly authenticated. We, therefore, cannot recommend them for payment.

From all the facts before the committee, we have come to the following conclusion: That the petitioner has received all that was due him for services in the army and for guns and horses charged in the account. I am, therefore, instructed by the committee to recommend the rejection of the petition.

Mr. McDade, chairman of the committee on Counties and County Boundaries, to whom was referred the memorial of the mayor and aldermen of the town of Bastrop, praying for a new charter of incorporation, reported the same back without recommending its passage, and asked to be discharged from its further consideration.

On motion of Mr. Whitaker, Mr. Gage was excused from his seat for the balance of the session, from and after to-morrow.

On motion of Mr. Potter, Mr. Weatherford was also excused from and after Monday the 6th inst.

A message was received from the House, informing the Senate that the House had passed the following bills originating in that body:

A bill authorising patents to be issued in certain cases decided by the district court; and

A bill to authorise the county courts to issue unconditional headright certificates where conditional certificates only have issued;

Also that the House had passed a bill originating in the Senate, relinquishing to the counties the State tax for the years 1854 and 1855, over the Governor's veto.

Mr. Lott offered the following resolution:

Resolved, That the assistant door-keeper be paid the same as other officers of the Senate, out of the contingent fund. *Adopted*.

ORDERS OF THE DAY.

A bill to incorporate Hopkins Encampment, No. 7, of the Independent Order of Odd Fellows; read, and ordered to be engrossed.

On motion of Mr. Hill, rule suspended, bill read third time and passed by the following vote:

YEAS—Messrs. Allen, Doane, Durst, Gage, Guinn, Hill, Holland, Jowers, Keenan, Kyle, Lott, Martin, McAnelly, McDade, Newman, Pedigo, Potter, Scarborough, Scott, Sublett, Superviele, Taylor and Whitaker—23.

NAYS—Messrs. Bryan and Weatherford—2.

A bill supplementary to an act to provide for the construction of the Mississippi and Pacific Railroad company; read third time and passed by the following vote:

YEAS—Messrs. Allen, Bryan, Doane, Durst, Guinn, Hill, Holland, Jowers, Keenan, Lott, Martin, McAnelly, McDade, Pedigo, Potter, Scott, Taylor and Weatherford—18.

NAYS—Messrs. Gage, Kyle, Newman, Scarborough, Sublett, Superviele and Whitaker—7.

On motion of Mr. Martin, a bill relating to the Indians of Texas, was taken up, read, and passed to a third reading.

On motion of Mr. Martin, rule suspended, bill read third time and passed.

Mr. Lott's motion to reconsider the vote rejecting a bill to incorporate the Gulf Coast and Austin City Railroad company; carried, and bill passed by the following vote:

YEAS—Messrs. Allen, Doane, Durst, Gage, Hill, Keenan, Kyle, Lott, McAnelly, McDade, Newman, Pedigo, Potter, Scarborough, Scott, Sublett and Weatherford—17.

NAYS—Messrs. Bryan, Jowers, Martin, Superviele, Taylor and Whitaker—6.

On motion of Mr. Keenan, the Senate proceeded to the consideration of the House's bills of a general character.

Joint resolution in regard to service on the tri-weekly mail route from Red River to Huntsville; read, and passed to a third reading.

On motion of Mr. Keenan, rule suspended, bill read third time and passed.

Bill to repeal the first section of an act concerning juries, approved February 16th, 1852; read, and passed to a third reading.

On motion of Mr. McDade, rule suspended, bill read third time and passed.

Bill to authorise the county courts to issue unconditional head-right certificates where conditional certificates only have issued; read first time.

On motion of Mr. Kyle, rule suspended, and bill read second time.

On motion of Mr. Taylor, the bill was amended by striking out the words, "or assigns."

Mr. Whitaker offered the following amendment :

"And all locations or surveys, made by virtue of conditional certificates, shall be void from and after two years from the passage of this act; unless the unconditional certificate be filed in the office of the surveyor." Adopted.

On motion of Mr. Whitaker, the 4th section of the bill was stricken out.

The bill then passed to a third reading by the following vote:

YEAS—Messrs. Doane, Durst, Hill, Holland, Jower, Kyle, McDade, Paschal, Pedigo, Potter, Scarborough, Superviele and Whitaker—13.

NAYS—Messrs. Allen, Bryan, Gage, Guinn, Keenan, Lott, Martin, McAnelly, Newman, Sublett, Taylor and Weatherford—12.

Bill to amend an act to provide for the assessment and collection of taxes, approved February 11th, 1850; read first time.

On motion of Mr. Keenan, rule suspended, bill read second time and referred to the committee on Finance.

Bill to amend the first section of an act to regulate the license and practice of attorneys and counsellors at law, approved May 12th, 1846, with report recommending its rejection; read, and report adopted.

Bill to amend the 9th section of an act to regulate proceedings in the district courts, passed on the 13th May, 1846; read, and passed to a third reading.

Bill authorizing patents to be issued in certain cases decided by the district court; read first time.

On motion of Mr. Potter, rule suspended, bill read second time and referred to the committee on the Judiciary.

On motion of Mr. Bryan, a bill conferring power on county courts to establish quarantine regulations, with report of the Judiciary committee offering an amendment thereto; read, amendment adopted, and bill ordered to be engrossed.

On motion of Mr. Bryan, rule suspended, bill read third time and passed.

On motion of Mr. Hill, a bill to incorporate Corpus Christi and Rio Grande Railroad company, with report of the committee on Internal Improvements offering amendments thereto; read, amendments adopted, and bill ordered to be engrossed.

On motion of Mr. Durst, rule suspended, bill read third time and passed by the following vote:

YEAS—Messrs. Allen, Doane, Durst, Gage, Guinn, Hill, Holland, Keenan, Kyle, Lott, Martin, McAnelly, McDade, New-

man, Paschal, Potter, Scarborough, Scott, Sublett and Super-
viele—20.

NAYS—Messrs. Taylor and Whitaker—2.

Mr. Sublett moved that the Senate adjourn until 3 o'clock, p.
m.; lost.

Mr. Paschal, by leave, made the following report:

COMMITTEE-ROOM, Feb. 2, 1854.

To the Hon. D. O. DICKSON,

President of the Senate:

SIR: The committee on Internal Improvements have had under consideration a bill entitled an act to incorporate the Mexican Gulf and Austin Railroad company, and I am instructed by a majority of the committee to make the following report for the consideration of the Senate:

The act provides for the incorporation of a company for the purpose of constructing a railroad, commencing on Matagorda Bay, thence running by or near Gonzales, to or near Austin, and thence to run in such direction so as to connect with the Mississippi and Pacific Railroad at such point as the company may deem most suitable. Eight sections of land are asked to be granted in the charter, for each and every mile of road completed, and a reserve of three miles of land on each side of the road, and a road bed of three hundred feet.

It is proposed to commence said road in two years, and to complete ten miles in three years, or the proposed donations of lands to be forfeited. There is no limitation to the franchise, nor is there any period fixed within which said road shall be completed, nor any limitation fixed at the end of which said company shall be entitled to receive lands in case the first ten miles are completed within three years. But if the company should fail to build the ten miles within three years, it still has the right of commencing said road within five years, and of completing twenty miles within six years from the passage of the act; and which would still entitle the company to all the benefits and privileges of an act passed at the present session of the Legislature, entitled an act to encourage the construction of railroads in Texas, by donations of lands. The road has no fixed terminus upon Matagorda Bay, nor is there the slightest indication as to whether it shall run from Austin, East, North, or West, to connect with the proposed line of the Mississippi and Pacific Railroad.

The foregoing statement plainly shows that the proposed char-

ter is liable to many of the objections on account of which the Governor refused to sanction other acts of incorporation. Your committee believe it is not the intention of the Senate to disregard the objections urged by the Executive in either of his veto messages refusing to sign any act of incorporation for a railroad company. At all events, your committee fully approve the wisdom of the rules and policy laid down by the Executive, and believe their observance would free us from much confliction, uncertainty and embarrassment in the granting of railroad charters, and consequent injury to railroad enterprises. It is true, these objections might be removed, and the charter be made to stand upon the same footing of other acts of incorporation, which have received the approval of the Senate at its present session.

But we cannot close this subject without presenting another view of the question for the mature consideration of the Senate. Already four railroad companies have been incorporated having a terminus on Matagorda Bay, three of which terminate at or pass through Austin; one having a terminus on Galveston Bay, to run to Austin; another to run from Columbus, on the Brazos, via Wharton and up the Colorado Valley to Austin; and one other, having a terminus on Buffalo Bayou, and to run to Austin. To this may be added another now in progress of passage, to run from the coast to Austin. We cannot say that all these acts of incorporation have yet received the sanction of the Executive, or that they will do so; but no less than five of them were created before the present session of the Legislature, and three of the five had their terminus on Matagorda Bay.

The question then arises, whether there exists a public necessity for the act of incorporation now proposed? Whether the railroads already provided for, if constructed, would not for the next eight or ten years prove adequate to all the wants of commerce and travel of the people of Austin, Matagorda Bay, and along the intermediate lines? If not, your committee would regard it as an injudicious policy on the part of the State to undertake to encourage the construction of railroads not demanded by the necessities of commerce nor public convenience; but only undertaken and constructed on the ground of private speculation. Whilst your committee fully approve the policy of encouraging on the part of the State the construction of all railroads demanded by the present or prospective commerce of the country, by liberal donations of portions of our public domain, they would regard it as extremely unjust to other portions of the State to wastefully expend the whole of that domain upon a few

roads, beginning and terminating at the same points, and running along the same line.

It may be said that the other roads, for which charters have been granted, will probably not be constructed. The answer to this is, that those who ask the charter in question have exhibited to your committee no superior means or ability to construct the contemplated road over those who have previously received acts of incorporation; and as the grant of this charter would rather diminish than increase the ability of other companies to construct their roads, by distracting and dividing the very limited resources of the country, instead of concentrating those resources upon the roads which are absolutely demanded for the public convenience of the whole country, your committee would not only regard it as impolitic, but extremely unjust, especially to those companies which have actually commenced operations, and expended considerable sums of money in the prosecution of their works. It is understood that one of these roads, commencing at Saluria, on Matagorda Bay, thence to run by La Salle, Powder Horn, Indianola and Victoria, and to cross the Guadalupe River in the neighborhood of Cuero, is actually under contract the entire distance to San Antonio, and is now in the process of construction. Large sums of money have been expended by the company in the prosecution of this road.

The proposed road, if beginning at either of the above points on Matagorda Bay, would run on the same line of the one now being constructed for the distance of from fifty to seventy miles. It would also run on the same line of the La Salle and El Paso Railroad to Austin. The charter proposes that the contemplated road shall have the privilege of crossing any other railroad at pleasure, without regard to the rights of the road so crossed, so that either road if built may be crossed a dozen times by the one which it is now proposed to construct.

We are aware that every citizen should have an equal right to participate in the benefits to be derived from the grant of a franchise, or from the donations of public lands for the construction of railroads. But these privileges are, or should be granted for the public good, and public convenience, and not for the purposes of private speculation. The trustees or grantees of a franchise for the construction of a railroad, should be regarded as public officers, subject to the control and regulation of the Legislature until the organization of the company, or an actual expenditure of money has been incurred in carrying out the objects of the franchise, by which a private interest may be created.

Your committee would therefore recommend, that where the trustees or commissioners named in any railroad charter fail for six months to open books of subscription, and to organise the company, that any number of the citizens of the State, by subscribing five hundred thousand dollars to the capital stock of the company, and of paying at the time of subscription one per cent. thereon, may proceed to organise under such charter, and to exercise, receive and enjoy all the rights, privileges and benefits granted by said charter, and be subject to all the burdens, duties and obligations imposed by said charter, as though they had been specially named therein. This would give many of our wealthy citizens, who are desirous of investing their means in railroad enterprises, an opportunity of doing so, and destroy the odious principle of confining these privileges in the hands of the few who may chance to be named in the charter, and who frequently hawk their charters abroad in market, offering to sell to the highest bidder, as though the munificent donations of land offered by Texas were intended to run up private fortunes instead of promoting objects of great public utility.

With a view, therefore, of carrying out the suggestions here presented, your committee beg leave to report the accompanying bill as a substitute, and to recommend its passage. They believe this, if adopted, will enable the persons asking the proposed charter to concentrate their means and their energies upon some one of the numerous railroad enterprises already provided for by acts of incorporation, and to prosecute the same to a completion.

All of which is respectfully submitted.

Mr. Allen, from the committee on Private Land Claims, to whom was referred a bill to relinquish the right of the State to a certain tract of land therein named, reported the same back and recommended its passage.

On motion of Mr. McDade, the Senate adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

Senate met—roll called—quorum present.

Mr. Sublett, chairman on the part of the Senate of the Joint committee on Enrolled Bills, made the following report:

FEBRUARY 3d, 1854.

Hon. D. C. DICKSON,

President of the Senate:

The joint committee upon Enrolled Bills, have examined the

following bills, to-wit: An act for the relief of the Alabama Indians; an act to confirm the patent issued by the Commissioner of the General Land Office to Levi Jones and Edward Hall, on the 28th November, 1840; an act to make a further appropriation for the erection of a fire-proof Treasury Department and Comptroller's Office of the State of Texas; an act to amend an act to incorporate the city of Brownsville, approved February 7th, A. D. 1853, originating in the Senate, which said bills were correctly enrolled, and this day submitted to the Governor for his approval.

Mr. Weatherford called up a bill supplemental to an act to regulate proceedings in the county courts, pertaining to estates of deceased persons, approved March 20th, 1848; read and ordered to be engrossed.

On motion of Mr. Weatherford, rule suspended, bill read third time and passed.

Mr. Allen called up a bill to create the fourteenth judicial district, and defining the time of holding courts therein, with report of the committee on Judicial Districts, offering amendments thereto; read, and report adopted, except so much thereof as relates to the striking out of "Fannin," and the time of holding court in said Fannin county.

Mr. Allen offered the following amendments:

Amend the first section, by inserting after the word "that," in second line, the words "from and after the first day of June next."

"Sec. 5. That it shall be the duty of the Governor to issue his proclamation, ordering an election to be holden for the election of a judge and district attorney for said district, on the 2d Monday in June next; and such election shall be conducted in all respects according to the laws in such cases made and provided regulating elections." Adopted.

Mr. Martin offered the following amendment:

Strike out the counties of "Dallas and Tarrant," and insert "Fannin and Johnson."

On motion of Mr. Keenan, the bill and amendment were referred to a Select committee, with instructions to report in the morning.

Messrs. Allen, Jowers, Weatherford and Martin were appointed said committee.

Mr. Bryan, from the committee on Enrolled Bills, made the following report:

FEBRUARY 3, 1854.

The committee on Enrolled Bills have examined the following bills: An act to incorporate the Sabine and Rio Grande Railroad company; an act to create the county of Bosque; an act to provide books for the use of the supreme court; an act authorising and requiring the county courts to regulate roads, appoint overseers, &c.; an act making an appropriation for the rescue of captives now in the hands of Indians; an act to create the county of Coryell; joint resolution for the relief of the contractor on route No. 6287; an act to incorporate the Dallas Bridge and Causeway company; an act to create the county of Karnes; an act authorizing the chief justices of Cass, Hopkins, Titus and Upshur counties to order an election in their respective counties, for purposes therein expressed; an act to incorporate the Galveston Wharf and Cotton Press company; all originating in the Senate, which have been correctly enrolled, signed by the President and Speaker of the House, and this day were transmitted to the Governor for his signature.

Mr. Bryan, from said committee, also reported that an act relinquishing to the counties the State tax for the years 1854 and 1855, passed over the Governor's veto, was this day deposited in the Executive Office.

A message was received from the House, informing the Senate that the House had passed a bill originating in that body, to incorporate the town of Corsicana.

Mr. Scott, chairman of the committee on Finance, to whom was referred a bill to amend an act to provide for the assessment and collection of taxes, approved February 11th, 1850, reported the same back and recommended its passage.

On motion of Mr. Keenan, rule suspended, and bill passed to a third reading.

On motion of Mr. Keenan, rule further suspended, bill read third time and passed.

Mr. Bryan called up a bill granting the consent of the State of Texas to the United States to construct breakwaters, jettys, dams and other improvements on the coast of Texas, with report of the Judiciary committee, offering a substitute therefor; read, substitute adopted, and bill ordered to be engrossed.

On motion of Mr. Bryan, rule suspended, bill read third time and passed.

Mr. Martin called up, for Mr. Armstrong, a bill for the relief of Joab B. Harrell, sheriff of Williamson county; read.

On motion of Mr. Durst, the bill was amended by inserting af-

ter "Harrell," "John A. Vernon, sheriff of Nueces county, one hundred and twenty dollars."

The bill was then ordered to be engrossed.

On motion of Mr. Martin, rule suspended, bill read third time and passed.

Mr. Guinn, from the committee on Engrossed Bills, reported as correctly engrossed a bill making an appropriation for the use and support of the State Government for the years 1854 and 1855, and other purposes.

Mr. Doane called up a joint resolution for the relief of McKinney & Williams; read.

Mr. Sublett offered the following amendment:

Provided, That the Auditor and Comptroller in estimating the amount due on the bonds surrendered, shall be governed by the rules and regulations which heretofore governed them in scaling the liabilities of the State, anything in this act to the contrary notwithstanding.

Mr. Guinn offered the following amendment to Mr. Sublett's amendment:

Provided, That said amount of money shall not be paid until the five millions of dollars shall be paid over to the State of Texas by the General Government—a part of the proceeds of the sale of our Northwest territories.

On motion of Mr. Hill, the amendment to the amendment was laid on the table by the following vote:

YEAS—Messrs. Bryan, Doane, Durst, Gage, Hill, Keenan, Kyle, McDade, Paschal, Potter, Sublett, Superviele and Whitaker—13.

NAYS—Messrs. Allen, Guinn, Martin, McAnelly, Pedigo, Scott, Taylor and Weatherford—9.

Mr. Sublett's amendment was then adopted.

The vote on the engrossment of the joint resolution stood as follows:

YEAS—Messrs. Bryan, Doane, Durst, Gage, Hill, Keenan, Kyle, McAnelly, McDade, Pedigo and Potter—11.

NAYS—Messrs. Allen, Guinn, Martin, Newman, Paschal, Scott, Sublett, Superviele, Taylor, Weatherford and Whitaker—11.

Mr. Bryan being in the chair, the joint resolution was rejected.

Mr. Potter moved that Mr. Martin be excused from his seat after to-morrow; lost.

Mr. Kyle moved a reconsideration of said vote; lost.

Mr. Weatherford moved that the Senate adjourn until 7 o'clock, p. m.; lost.

On motion of Mr. Guinn, the Senate adjourned until 9 o'clock to-morrow morning.

SATURDAY, February 4, 1854.

The Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr. Taylor, chairman of the committee on Public Debt, to whom was referred a bill to pay the public debt of the late Republic of Texas, for which the duties on imposts were specially pledged, reported the same back and asked to be discharged from its further consideration—the committee not having had time to consider its merits.

A bill to amend the 9th section of an act to regulate proceedings in the districts courts, passed on the 13th day of May, 1846; read third time and passed.

A bill to authorise the county courts to issue unconditional headright certificates where conditional certificates only have issued; read third time and passed.

A bill authorising the clerk of the county court of Navarro county to transcribe the book of marks and brands of said county; read, and passed to a third reading.

On motion of Mr. Guinn, rule suspended, bill read third time and passed.

A bill to legalise the acts of Alexander Beaton, Notary Public of Navarro county; read, and passed to a third reading.

On motion of Mr. Guinn, rule suspended, bill read third time and passed.

Mr. Hill introduced a bill to define the time of holding the district courts in the third judicial district; read first time.

On motion of Mr. Hill, rule suspended, bill read second time and ordered to be engrossed.

On motion of Mr. Hill, rule further suspended, bill read third time and passed.

A bill supplemental to an act to incorporate the town of Carthage, in Panola county, approved January 19th, 1852; read, and passed to a third reading.